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REMARKS

Responsive to the Office Action mailed November 9, 2005, Applicants provide the following. The claims have been amended without adding new matter. Claims 2-16 have been amended. Claims 24-54 were previously canceled. Therefore, twenty-three (23) claims remain pending in the application: Claims 1-23. Reconsideration of claims 1-23 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Objections

1. Claims 2-9 and 11-16 have been objected to because: the preambles of claims 2-9 lack antecedent basis; the preambles of claims 11-16 should correspond with claim 1; and claim 2 includes phrases that lack antecedent basis.

Applicants have amended claims 2-16 to correct the typographical errors of the preamble such that the preambles have proper antecedent basis each referencing "A method as claimed". Therefore, the preambles of claims 2-16 now have proper antecedent basis and Applicants respectfully request the objections to the preambles be withdrawn.

Claim 2 has further been amended to correct the antecedent basis of the phrase "...the recording medium..." to read "...a recording medium..."; and to correct the phrase "...the plurality of directories..." to read "...a plurality of directories...". Therefore, Applicants believe that claim 2 has proper antecedent basis and respectfully requests the objection be withdrawn.

Claim Rejections - 35 U.S.C. §102

2. Claims 1-13 and 15-23 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,529,949 (Getsin et al.). Applicants respectfully traverse these

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rejections. Applicants submit herewith a Declaration pursuant to 37 C.F.R. §1.132 of Allan B. Lamkin and Todd R. Collart (referred to below as the 132 declaration) declaring that Allan B. Lamkin and Todd R. Collart are the inventors of the subject matter described but not claimed in the '949 Getsin patent that is relied on by Examiner Laye in rejecting the claims of the present application, and that Evgeniy M. Getsin is not an inventor of the subject matter not claimed in the '949 Getsin patent and relied on by Examiner Laye in the rejection of the claims of the present application. Therefore, the 132 declaration demonstrates that "the subject matter relied upon in the reference [Getsin patent] was applicant[s'] own invention" (see MPEP §715.01). As indicated in the office action, 35 U.S.C. §102(e) can be applied when "the invention was described in ... (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent..." (emphasis added). The 132 declaration demonstrates that the subject matter relied on by the office action in the Getsin patent was not "by another". Thus, the Getsin patent cannot be applied against the subject application.

Therefore, Applicants respectfully request the rejection of claims 1-13 and 15-23 under 35 U.S.C. §102(e) be withdrawn.

Claim Rejections - 35 U.S.C. §103

3. Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Getsin patent in view of U.S. Patent No. 6,230,324 (Tomita et al.). Applicants have demonstrated above and with the attached 132 declaration that the Getsin patent cannot be applied as a 102(e) reference. Therefore, the Getsin patent also cannot be applied as a 103(a) references.

Further, 35 U.S.C. §103(c) recites "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person" (emphasis added). Applicants submit that both the Getsin patent and the present application were assigned and/or under an obligation

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of assignment at the time of filing and are still assigned to INTERACTUAL TECHNOLOGIES, Inc. More specifically, the assignment of the present application to INTERACTUAL TECHNOLOGIES, Inc. was recorded at reel/frame 012450/0956; and the assignment of the Getsin patent to INTERACTUAL TECHNOLOGIES, Inc. was recorded at reel/frame 010555/0149. Therefore, under 35 U.S.C. §103(c) the Getsin patent cannot be applied against the present application, and thus, Applicants respectfully request the rejection of claim 14 be withdrawn.

CONCLUSION

Applicants submit that the above amendments and remarks and the attached 132 declaration place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: 2-9-06



Steven M. Freeland
Reg. No. 42,555
Attorney for Applicant(s)
(858) 552-1311

Attachments: Declaration Pursuant to 37 C.F.R. §1.132 of Allan B. Lamkin and Todd R. Collart

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebans
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603
(858) 552-1311